<u>REMARKS</u>

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-20, 22-50, and 52-53 were pending and rejected. In this response, claims 1-20, 22-50, and 52-53 have been canceled without prejudice. In addition, new claims 54-88 have been added. Thus, claims 54-88 remain pending. No new matter has been added.

Claims 2, 7-8, 24, 30, 38, and 43-44 are rejected under 35 U.S.C. 112, first paragraph. In view of the foregoing amendments, it is respectfully submitted that the rejections have been overcome.

Claims 1-2, 4-5, 7-8, 10, 12-14, 16, 24, 26, 29-30, 32-34, 36-38, 40-41, 43-44, and 46 are rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,526,416 of Long ("Long"). Applicant hereby reserves the right to swear behind Long. Claims 3, 9, 15, 18-20, 23, 25, 31, 35, 39, 45, 48-50, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view U.S. Patent No. 6,115,715 of Traversal et al. ("Traversal"). Claims 6, 11, 17, 22, 27-28, 42, 47, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long.

In view of the foregoing amendments, it is respectfully submitted that claims 54-88 include limitations that are not disclosed by Long and Traversal, individually or in combination. Specifically, independent claim 54 recites as follows:

> 54. A machine implemented method performed by <u>a network element having a first interface communicatively coupled to a subscriber over a network provider network and a second interface communicatively coupled to a service provider over a service provider network</u>, the method comprising:
> receiving a request from a user via a command line interface (CLI) of the network element for configuring the network element, the request accessing a configuration file stored in a database that is <u>used to route</u>

network traffic between the network provider network and the service provider network via the first and second interfaces, the network provider network being different than the service provider network;

in response to the request, recording operations of the request in a transaction log separated from the database without accessing the database until a commit command is received from the user via the CLI of the network; and

performing the operations of the request from the transaction log to access a record of the database associated with the request in response to a commit command from the CLI indicating that the user has committed to the requested configuration.

(Emphasis added)

Independent claim 54 is related to a network element (e.g., a network box) for routing network traffic between a network provider network (e.g., a DSL network) and a service provider network (e.g., an ISP of the Internet), including receiving a request for configuring the network element from a user via a CLI, recording the request in a transaction log (which is persistent as claimed in 55, etc.) without accessing the database containing the configuration file, until a commit command is received from the user, and committing the recorded request from the transaction log to the database in response to the commit command received from the user. It is respectfully submitted that the above-limitations are absent from Long and Traversal, individually or in combination.

Rather, neither Long nor Traversal is related to a network element for routing network traffic between two different networks, particularly, a network provider network and a service provider network. In addition, there is no disclosure within the cited references that the transactions are initially stored in a persistent transaction log that survives the power lost of the network element, until a commit command is received.

For example, when the network element loses its power during the commit processes, when the network element is rebooted, the lost transaction can be picked up and committed to the database since the transaction log is a persistent one that survives the power lost. It is

respectfully submitted that the cited references fail to disclose such limitations. Therefore, for the reasons set forth above, it is respectfully submitted that independent claim 54 is not anticipated and is patentable over the cited references.

Similarly, independent claims 71 and 88 include limitations similar to those recited in claim 54. Thus, for the reasons similar to those discussed above, independent claims 71 and 88 are patentable over and not anticipated by the cited references.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over and not anticipated by cited references. Withdrawal of the rejections is respectfully submitted.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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